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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 DAVID M. MARTINEZ,
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11 Petitioner,
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13 v.
14 WARDEN, et al.,
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16 Respondents.

Case No. 3:18-cv-00044-LRH-VPC

ORDER

15 The court ordered petitioner either to file an application to proceed in forma pauperis or to
16 pay the filing fee. Order (ECF No. 4). Petitioner has not complied with the court's order within
17 the allotted time. The court will dismiss the action. Even though the dismissal will be without
18 prejudice, petitioner remains responsible for calculating whether any later-filed action would be
19 timely under 28 U.S.C. § 2244(d).

20 Reasonable jurists would not find the court's decision to be debatable or wrong, and the
21 court will not issue a certificate of appealability.

22 IT THEREFORE IS ORDERED that this action is **DISMISSED** without prejudice for
23 failure to comply with the court's order. The clerk of the court shall enter judgment accordingly
24 and close this action.

25 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

26 DATED this 18th day of June, 2018.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE